
TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

**Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #09-875**

To: Honorable Scott Pelath, Chairperson
Administrative Rules Oversight Committee
c/o Sarah Burkman
Indiana Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789

From: Barbara A. Nardi, Staff Attorney, FSSA Office of General Counsel

Date: June 24, 2010

RE: LSA Document #09-875 - Rule for Assertive Community Treatment (ACT) Teams

cc: Steve Barnes, Indiana Register, Legislative Services Agency

On behalf of the Family and Social Services Administration, Division of Mental Health and Addiction (DMHA), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

The DMHA published its Notice of Intent to Adopt a Rule for the captioned document on November 11, 2009 (DIN: [20091111-IR-440090875NIA](#)). The rule adds [440 IAC 11](#) concerning assertive community treatment teams and includes definitions, certification standards and procedures for assertive community treatment teams, and operational standards and requirements for assertive community treatment teams.

The proposed rule has been prepared and has been submitted for review and approval to the State Budget Agency and to the Indiana Economic Development Corporation. After completion of that review, the agency must take a number of steps before the rule is fully promulgated. These steps include publishing the proposed rule, conducting a public hearing, and publishing the final rule.

In addition to the rule promulgation process in [IC 4-22-2](#), any rule adopted by the DMHA must obtain the approval of the Family and Social Services Committee, which meets only one time per month. See [IC 12-8-3-1](#) et seq. Following approval by the Committee, the rule must be submitted to the Office of the Attorney General. Pursuant to [IC 4-22-2-32](#), the Attorney General has forty-five (45) days to complete the review of the rule. For these reasons, it may not be possible for the rule to be approved by the Governor by November 11, 2010, which is the date that is one year after the date of publication of the notice of intent. The agency expects that the rule can be approved by the Governor by November 11, 2011.

This notice setting forth the expected date of approval of LSA Document #09-875 as November 11, 2011, is being submitted in a timely manner. July 16, 2010, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

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